

U.S. Patent Application No. 10/674,565
In Response to Office Action mailed July 18, 2006
Reply to Office Action dated October 2, 2006

REMARKS

INTRODUCTION

Continued examination and favorable reconsideration are respectfully requested.

At item 2 of the Office Action, at page 2, the Office Action indicates that the references listed at page 4 of the Information Disclosure Statement (IDS) of December 1, 2003, were not supplied and have not been considered. As mentioned in the December 1, 2003 IDS, the 17 references listed at sheet 4 of 4 of the Forms PTO/SB/08 attached to the December 1, 2003, IDS were previously submitted to the USPTO, in particular, in earlier related applications. Accordingly, it was not necessary to resubmit them. For the convenience of the Examiner, however, another set of copies of those 17 references is submitted herewith, along with a copy of the sheet 4 of 4 of Forms PTO/SB/08 that was previously submitted in Applicant's December 1, 2003, IDS. The Examiner is requested to review the references, consider them, and initial and return the sheet 4 of 4. It is respectfully submitted that another IDS need not be filed and that no fee is due. If a fee is due, the USPTO is authorized to charge Deposit account No. 50-0925 for such fee and consider this an IDS.

Claims 1, 3, 5-13, and 15-31 are pending in the application. The Office Action dated July 18, 2006, rejected claims 1, 3, 5-13, and 15-31 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 28-38 of U.S. Patent No. 5,853,894 in view of the Sartomoer Bulletin regarding CD611 printed 8/4/03. The Office Action also rejected claims 1, 3, 5-13, and 15-31 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 28-38 (although it is believed that claims 1-48 and 58-60 were

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intended) of U.S. Patent No. 6,495,624 in view of the Sartomoer Bulletin regarding CD611 printed 8/4/03.

Rejection of Claims 1, 3, 5-13, and 15-31 on the Grounds of Nonstatutory Obviousness-Type

Double Patenting Over Claims 28-32 of U.S. Patent No. 5,853,894

The Office Action at page 2 rejected claims 1, 3, 5-13, and 15-31 on the grounds of nonstatutory, obviousness-type double patenting over claims 28-32 of U.S. Patent No. 5,853,894 and the appropriate submission fee. Accordingly, the rejection of claims 1, 3, 5-13, and 15-31 on the obviousness-type double patenting grounds is rendered moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1, 3, 5-13, and 15-31 on the Grounds of Nonstatutory Obviousness-Type

Double Patenting Over Claims 28-32 of U.S. Patent No. 6,495,624

The Office Action at page 2 rejected claims 1, 3, 5-13, and 15-31 on the grounds of nonstatutory, obviousness-type double patenting over claims 28-32 of U.S. Patent No. 6,495,624. It appears as though the Office Action intended to list claims 1-48 and 58-60 of U.S. Patent No. 6,495,624, instead. Applicants submit herewith a terminal disclaimer addressing U.S. Patent No. 6,495,624 and the appropriate submission fee. Accordingly, the rejection of claims 1, 3, 5-13, and 15-31 on the obviousness-type double patenting grounds is rendered moot. Reconsideration and withdrawal of the rejection are respectfully requested.

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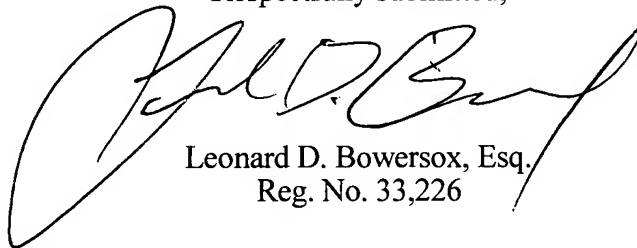
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leonard D. Bowersox', is written over the typed name and registration number.

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Enclosure: Copy of Page 4 of 4 of Applicant's December 1, 2003, Forms PTO/SB/08b